

SENATE BILL 518

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2004 Regular Session
4r1657
CF 4r1656

By: **Chairman, Judicial Proceedings Committee (By Request - Maryland
Judicial Conference)**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Proceedings - Jurors and Alternates**

3 FOR the purpose of altering limitations on the number of jurors empaneled in a jury
4 trial of a civil action and deliberation by the jurors; providing for verdicts by
5 certain jurors under certain circumstances; providing for alternate jurors as
6 provided in the Maryland Rules under certain circumstances; specifying the role
7 of alternate jurors in jury deliberations; providing for the application of this Act;
8 and generally relating to a jury in a civil action.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 8-306
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 8-306.

18 (A) [In] THIS SECTION APPLIES ONLY TO a civil action in which a jury trial is
19 permitted[, the].

20 (B) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A
21 jury shall consist of [6] SIX jurors.

22 (C) IF THE COURT BELIEVES THAT ONE OR MORE JURORS MAY BE UNABLE TO
23 COMPLETE THEIR DUTIES DUE TO THE DURATION OF THE TRIAL, THE COURT MAY
24 ORDER THAT THE JURY CONSIST OF MORE THAN SIX BUT NOT MORE THAN NINE
25 JURORS.

1 (D) IF THE COURT FINDS ONE OR MORE JURORS IS UNABLE TO PERFORM OR
2 IS DISQUALIFIED FROM PERFORMING A JUROR'S DUTY DURING THE TRIAL OR
3 DELIBERATIONS OF A JURY, THE REMAINING JURORS MAY RENDER A VERDICT IF:

4 (1) AT LEAST SIX JURORS REMAIN; OR

5 (2) WITH THE APPROVAL OF THE COURT, THE PARTIES AGREE TO
6 ACCEPT A VERDICT FROM FEWER THAN SIX JURORS.

7 (E) (1) THIS SECTION DOES NOT PRECLUDE THE APPOINTMENT OF ONE OR
8 MORE ALTERNATE JURORS AS PROVIDED IN THE MARYLAND RULES.

9 (2) AN ALTERNATE WHO DOES NOT REPLACE A JUROR WHO IS UNABLE
10 TO PERFORM OR DISQUALIFIED FROM PERFORMING THE JUROR'S DUTY MAY NOT
11 PARTICIPATE IN THE DELIBERATIONS OF A JURY.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
13 construed to apply only prospectively and may not be applied or interpreted to have
14 any effect on or application to any jury trial begun before the effective date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2004.